

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

CORTNÉ MAREESE ROBINSON, ¹	§
	§
Petitioner,	§
v.	§ CAUSE NO. 1:17-cv-00011-RWS
	§
BOBBY LUMPKIN, Director, Texas	§
Department of Criminal Justice, Correctional	§ CASE INVOLVING THE DEATH
Institutions Division, ²	§ PENALTY
	§
Respondent.	§

**NOTICE OF COMPLETION OF STATE COURT PROCEEDINGS AND
MOTION TO REOPEN THE CASE**

On July 31, 2019, this Court ordered Petitioner Cortn   Robinson to return to state court to exhaust available state court remedies with respect to one or more claims contained in his petition for writ of habeas corpus. Order, ECF No. 67. This Court's order stayed federal habeas proceedings pending the completion of state court proceedings and held the federal habeas proceedings in abeyance. *Id.* at 9. Within 45 days of the date the Texas Court of Criminal Appeals ("CCA") issues a decision on Petitioner's state court application, Petitioner was instructed to move for the stay to be lifted and the case be returned to the active docket. *Id.* By this notice and motion, Petitioner hereby notifies the Court of the completion of state court proceedings as ordered and moves to reopen the case in accordance with the same order.

After this Court stayed the case for state court proceedings, state court counsel³ for Petitioner filed an application for habeas corpus relief under Texas Code of Criminal Procedure

¹ Petitioner respectfully requests that the Clerk correct Mr. Robinson's name to reflect the above caption.

² Pursuant to Fed. R. Civ. P. 25(d), Bobby Lumpkin, who has succeeded Lorie Davis as Director of the TDCJ Correctional Institutions Division, should be substituted as Respondent.

³ Undersigned counsel did not represent Petitioner in state court.

Article 11.071, on October 31, 2019. On September 23, 2020, the CCA dismissed the application as an abuse of the writ. *Ex parte Robinson*, No. WR-81,583-02, 2020 WL 5649451 (Tex. Crim. App. Sept. 23, 2020) (attached as Exhibit A). Exhaustion proceedings having now been completed, and in accordance with this Court's July 31, 2019, order, Petitioner hereby moves to reopen this case.

In addition, Petitioner intends to move this Court to set a briefing schedule soon. Counsel for Petitioner is conferring with counsel for Respondent Bobby Lumpkin regarding the terms of a briefing schedule for the submission of the parties' pleadings after this Court reopens the case.

A proposed order accompanies this notice and motion.

Respectfully submitted,

MAUREEN FRANCO
Federal Public Defender
Western District of Texas

/s/ Joshua Freiman
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Counsel for Petitioner

DATED: November 6, 2020

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of November, 2020, I electronically filed the foregoing reply with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

**Garrett Greene
Stephen Hoffman**
Texas Attorney General - Austin
300 West 15th Street
Austin, TX 78701-1220

/s/ Joshua Freiman _____